



CITY OF BETHLEHEM

OFFICE OF THE CITY SOLICITOR

INTER-OFFICE MEMORANDUM

To: Michael Colón, Council President

From: Matthew J. Deschler, Assistant Solicitor

Re: Proposed amendments to Rules and Regulations of Civil Service Board relating to Fire Department

Date: January 24, 2025

Enclosed for Council's review and action are proposed amendments to the Rules and Regulations of the Civil Service Board relating to the fire department.

Amendments to the Civil Service Rules and Regulations require a resolution of City Council. A proposed resolution is enclosed.

At a meeting on January 21, 2025, the Civil Service Board, in a 3-0 vote, recommended the enactment of these amendments.

A handwritten signature in black ink that reads "Matt Deschler".

Matthew J. Deschler
Assistant Solicitor

Cc: J. William Reynolds
Michelle Cichocki
Michael Reich
Craig Baer
John F. Spirk, Jr.

RESOLUTION NO. 2025-_____

A Resolution approving amendments to the Rules and Regulations for the Civil Service of the City of Bethlehem.

WHEREAS, at a duly authorized meeting of the Civil Service Board of the City of Bethlehem on January 21, 2025, the Civil Service Board recommended that City Council adopt the amendments to Appendix A of the rules and regulations of the Civil Service Board, affecting the Fire Department, which are reflected in Exhibit “A” attached hereto, wherein deletions are denoted by ~~striketrough~~ and additions (other than existing section headings, which are already underlined in bold), are denoted by **bolded underline**.

WHEREAS, the Council of the City of Bethlehem believes that the amendments to the rules and regulations recommended by the Civil Service Board and attached to this Resolution as Exhibit “A” provide for ascertaining and determining, so far as possible, the knowledge, skills, aptitude, mental and physical abilities, experience, education and character of all applicants for the civil service as these criteria would reasonably apply to the respective positions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bethlehem that the said Council hereby approves the amendments to the rules and regulations recommended by the Civil Service Board of the City of Bethlehem on January 21, 2025, which are attached to this Resolution as Exhibit “A” and which shall take immediate effect.

Sponsored by _____

ADOPTED by Council this day of , 2025

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President of Council

ATTEST:

City Clerk

EXHIBIT "A"

APPENDIX A -- CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM
RULES & REGULATIONS FOR THE FIRE DEPARTMENT

Section 1: General Eligibility Qualifications

- (a) **Citizenship:** Applicant must be a U.S. citizen. If the applicant is foreign born, naturalization papers must be provided.
- (b) **Age:** Applicants must have arrived at eighteen (18) years of age ~~and not be more than thirty five (35) years of age~~ at the time of the application deadline. A copy of the applicant's birth certificate is required at the time of application.
- (c) **Education:** Applicants must have a high school diploma or GED.
- (d) **Character:** Must be of a good reputation, moral character and habits.
- (e) **Application:** All applicants will be charged a \$50.00 registration fee at the time of application. This application fee is non-refundable. Any willful misstatement, falsification or concealment in respect to an application shall render the same null and void. Subject to the discretion of the Board, a person making such false application shall be prohibited from making any future application. Applications cannot be accepted from persons who have been convicted of a misdemeanor crime or greater, or from former firefighters removed for cause.
- (f) **Vouchers:** Applicant must secure ~~one~~ **two (2+)** ~~person~~ **people** to vouch for his/her character. The ~~person~~ **people** may not be a relative of the applicant. The vouchers should be well acquainted with the applicant and have known him/her for at least one (1) year. The voucher must be notarized before it is submitted with the employment application.
- (g) **Driver's License:** All applicants must possess a valid Driver's License at the time of application and appointment.

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Section 2: Initial Applicants for Employment

- (a) **Written Examination.** Applicants to the Fire Department shall submit to a written examination. A passing score on the written examination shall be seventy (70) points out of a potential maximum score of one hundred (100) points.
- (b) **Background Investigation.** Applicants to the Fire Department shall submit to a background investigation for the purpose of ascertaining and determining their knowledge, skills, aptitude, mental and physical abilities, experience, education and character for the position for which they applied.
- (c) **Physical Agility and Fitness Examination.** Applicants who pass the written examination and background investigation shall submit to a pass/fail physical agility and fitness examination, which shall be more fully explained in the employment application.
- (d) **Certification.** Applicants who pass the written examination and background investigation shall be certified and may be conditionally appointed pursuant to Section 14 of the General Civil Service Rules *supra*.
- (e) **Physical Medical Examination.** New hires to the Fire Department shall be conditionally appointed and, prior to obtaining regular appointment, shall submit to a physical medical examination pursuant to Section 15 of the General Civil Services Rules *supra* to determine their physical condition and capability for fire department work.
- (f) **Psychological Medical Examination.** New hires to the Fire Department shall be conditionally appointed and, prior to obtaining regular appointment, shall submit

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to a psychological medical examination pursuant to Section 15 of the General Civil Service Rules *supra* to evaluate their mental health and emotional maturity and stability to determine that the candidate has the necessary level of mental health and emotional ability and stability for competent performance as a firefighter.

- (g) **Administrative Interview.** Applicants will be interviewed by the Fire Chief and Deputy Fire Chief. Applicants will be questioned about information gathered throughout the application process.

Section 3: Examination Prerequisites for Promotional Examinations

(a) To be eligible to undergo any examination for appointment to the ~~position-rank~~ of ~~lieutenant-inspector~~ **Lieutenant (which shall include the positions of Lieutenant and Lieutenant Inspector for purposes of these Rules and Regulations for the Fire Department)** in the Fire Department, an individual must be **presently** employed as ~~an incumbent firefighter~~ **a Firefighter** in the Fire Department for a minimum of ~~seven~~ **six (6)** years at the time of the scheduled examination date. ~~Further, prior to the examination date, the employee must have obtained: (1) the Fire Inspector 1 Pro Board Certification and must have passed Fire Inspector 1 Training and all associated prerequisite classes required to obtain the Fire Inspector 1 Pro Board Certification. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.~~

~~(b) To be eligible to undergo any examination for appointment to the position of lieutenant in the Fire Department, an individual must be employed as an incumbent firefighter in~~

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~~the Fire Department for a minimum of seven (7) years at the time of the scheduled examination date.~~

(be) To be eligible to undergo any examination for appointment to the ~~position~~ rank of ~~captain~~ Captain (which rank shall include the positions of Captain, Training Captain, and Inspections Captain for purposes of these Rules and Regulations for the Fire Department) in the Fire Department, an individual must be ~~an incumbent~~ presently employed at the rank of ~~Lieutenant~~ employed in the Fire Department for a minimum of two (2) years at the time of the scheduled examination date.

~~(d) To be eligible to undergo any examination for appointment to the position of captain in charge of inspections (Chief Fire Inspector), an individual must be employed as an incumbent lieutenant inspector in the Fire Department for a minimum of two (2) years at the time of the scheduled examination date. Further, prior to the examination date, the employee must also have obtained: (1) the Fire Inspector 2 Pro Board Certification and must have passed Fire Inspector 2 Training and all associated prerequisite classes required to obtain the Fire Inspector 2 Pro Board Certification; and (2) his/her Plans Examiner certification. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.~~

(ce) To be eligible to undergo any examination for appointment to the ~~position~~ rank of ~~Assistant Chief~~ Chief in the Fire Department, an individual must be presently employed ~~as an incumbent~~ at the rank of ~~Captain or incumbent captain in charge of inspections~~ in the Fire Department for a minimum of two (2) years at the time of the scheduled examination date.

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(~~df~~) To be eligible to undergo any examination for ~~appointment~~ **promotion** to the position ~~rank~~ of ~~d~~Deputy ~~C~~ehief in the Fire Department, an individual must be **presently** employed ~~as an incumbent at the rank of a~~ Assistant ~~C~~ehief ~~or e~~Captain, ~~or captain in charge of inspections~~ in the Fire Department for a minimum of two (2) years at the time of the scheduled examination date. Prior to the examination date, the employee must also possess the following certifications: (1) NIMS 100, 200, 300, 400, 700, and 800; (2) NFPA 1021 Fire Officer 2; (3) NFPA 1031 Fire Inspector 2; and (4) ~~and~~ Fire Plans Examiner Pro Board Certification, ~~and must have passed all associated prerequisite classes required to obtain that certification.~~ In addition, prior to the examination date, the employee must be recognized as a Certified Fire Investigator through one of the following national agencies: Pro Board, IAAI, NAFI, or ~~AFT~~ **National Fire Academy**. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.

(~~ee~~) If no applicants are eligible to test for a vacant position, the test process will be opened to additional candidates as recommended by the Board.

Section 4: Promotional Examinations

(a) Those candidates seeking promotion to the ~~positions~~ ~~rank~~ of ~~L~~ieutenant ~~inspector~~ ~~and lieutenant~~ shall be examined for the position as follows: (1) submission to a written examination; (2) comparative seniority; and (3) submission to a departmental evaluation, the format of which shall be agreed to by both Local 735 and the Fire Chief and the results of which shall be graded, scored and averaged by all platoon officers. **There shall be one written**

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examination for all Lieutenant positions (Lieutenant and Lieutenant Inspector) and it will be comprised of questions relevant to both positions. A passing score on the written examination shall be 70 points out of 100 points. An individual who fails the written test may not be promoted to the position sought. Comparative seniority for individuals passing the written test shall be calculated on the basis of length of service in the candidate's present position with the candidate having the most seniority receiving fifteen (15) points and each other candidate receiving the direct proportion of fifteen (15) points that his/her seniority, measured in months, is to the months of the candidate having the most seniority. This definition of "comparative seniority" shall apply to any subsection of this Section 4. The maximum potential score on the departmental evaluation shall be fifteen (15) points. The written examination score shall be 70% of the total examination score; the comparative seniority of the candidate shall be 15% of the total examination score; and the score of the departmental evaluation agreed to by both the Fire Chief and Local 735 shall be 15% of the total examination score.

(b) Those candidates seeking promotion to the ~~position~~ **rank** of ~~C~~captain shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. **There shall be one written examination for all Captain positions (Captain, Inspections Captain, and Training Captain) and it will be comprised of questions relevant to all Captain positions.** A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points.

The oral examination shall be conducted by a group, selected by the Board, of ~~F~~ire ~~C~~ehiefs and/or ~~D~~eputy ~~F~~ire ~~C~~ehiefs from Pennsylvania municipalities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations,

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and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 70% of the total examination score; the oral examination score shall be 15% of the total examination score; and (3) the comparative seniority of the candidate shall be 15% of the total examination score.

~~(e) — Those candidates seeking promotion to the position of captain in charge of inspections (Chief Fire Inspector) shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. The written examination will be comprised of questions relating to fire investigation practices, investigation practices, and supervisory and managerial practices. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points.~~

~~The oral examination shall be conducted by a group, selected by the Board, of fire chiefs and/or deputy fire chiefs from Pennsylvania municipalities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 70% of the total examination score; the oral examination score shall be 15% of the total examination score; and (3) the comparative seniority of the candidate shall be 15% of the total examination score.~~

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(c) Those candidates seeking promotion to the ~~position rank~~ of ~~a~~ Assistant Chief shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points. The oral examination shall be conducted by a group, selected by the Board, of ~~Fire~~ ~~e~~ Chiefs and/or ~~Deputy~~ ~~F~~ire ~~C~~hiefs from Pennsylvania municipalities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 45% of the total examination score; the oral examination score shall be 45% of the total examination score; and (3) the comparative seniority of the candidate shall be 10% of the total examination score.

(d) Those candidates seeking promotion to the ~~position rank~~ of ~~D~~eputy Chief shall be examined for the position as follows: (1) submission to an oral examination. A passing score on the oral examination shall be 70 points out of 100 points. The oral examination shall be conducted by a group, selected by the Board, of fire chiefs and/or deputy fire chiefs from Pennsylvania municipalities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines.

Section 5: Additional Prerequisites for Promotion/Appointment to Certain Positions

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(a) Lieutenant Inspector

i. Prior to promotion or appointment to the position of Lieutenant Inspector, the employee must: (1) have obtained Fire Inspector 1 Pro Board Certification and (2) be on the current eligibility list for promotion to the rank of Lieutenant or currently hold the rank of Lieutenant.

(b) Training Captain

i. Prior to promotion or appointment to the position of Training Captain, the employee must: (1) have obtained Fire Service Instructor 1 Pro Board Certification; (2) have obtained Incident Safety Officer Pro Board Certification; and (3) be on the current eligibility list for promotion to the rank of Captain or currently hold the rank of Captain.

(c) Inspections Captain

i. Prior to promotion or appointment to the position of Inspections Captain, the employee must provide proof of a minimum of two thousand (2,000) active hours of working experience within the last five (5) years conducting inspections as a Pennsylvania Department of Labor & Industry Certified Code Official in the Fire or Building Inspector Certification Category. Proof of working experience shall consist of a letter from the Human Resources Department of the employee's current department, or multiple departments, documenting the two thousand (2,000) hours worked within the last five (5) years. Further, prior to appointment or promotion, the employee must: (1) have obtained the Fire Inspector 2 Pro Board Certification; (2) have obtained the Plans Examiner Pro Board Certification; and (3) be on the current eligibility list for promotion to the rank of Captain or currently hold the rank of Captain.

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(d) The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.

Section 56: Probationary Periods

(a) The probationary period for a newly hired ~~F~~firefighter shall be one (1) year. A probationary ~~F~~firefighter will not be deemed to be a regular, non-probationary employee until he/she successfully completes his/her one (1) year probationary period. All newly hired ~~F~~firefighters must successfully complete all areas of Fire Academy Training. Failure to complete Fire Academy Training will result in termination of employment. A failure to successfully complete the one (1) year probationary period shall result in the probationary employee's discharge from the Fire Department. A probationary ~~F~~firefighter shall submit to an evaluation by the applicable department/platoon supervisor prior to the end of the one year probationary period.

(b) The probationary period for an individual promoted **or appointed** to the ~~position~~ **positions** of ~~L~~ieutenant, ~~inspector~~ **Captain, Assistant Chief, or Deputy Chief** in the Fire Department shall be one (1) year. A ~~p~~Probationary ~~L~~ieutenants, ~~inspector~~ **Captains, Assistant Chiefs, and Deputy Chief** shall submit to an evaluation by the applicable department/platoon supervisor after six (6) months of probationary status and shall submit to a second such evaluation at the conclusion of the probationary period. Both evaluations shall be reviewed by the Fire Chief **and Deputy Chief** at the conclusion of the probationary period, **except that the evaluation for any probationary Deputy Chief shall be reviewed only by the Fire Chief.** A ~~p~~Probationary

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~~L~~ieutenants, ~~inspector~~ **Captains, Assistant Chiefs, and Deputy Chief** will not be deemed to be a regular, non-probationary employee until both (a) one year has elapsed since his/her probationary appointment and (b) the Fire Chief has determined, upon review of the six-month and one-year evaluations, that the probationary ~~L~~ieutenant ~~inspector~~ **Captain, Assistant Chief, or Deputy Chief** has successfully completed the probationary period.

~~—— (e) — The probationary period for an individual promoted to the positions of lieutenant, captain or assistant chief in the Fire Department shall be one (1) year. A probationary lieutenant, captain or assistant chief shall submit to an evaluation by the applicable department/platoon supervisor after six (6) months of probationary status and shall submit to a second such evaluation at the conclusion of the probationary period. Both evaluations shall be reviewed by the Fire Chief at the conclusion of the probationary period. A probationary lieutenant, captain or assistant chief will not be deemed to be a regular, non-probationary employee until both (a) one year has elapsed since his/her probationary appointment and (b) the Fire Chief has determined, upon review of the six-month and one-year evaluations, that the probationary lieutenant, captain or assistant chief has successfully completed the probationary period.~~

~~(c)~~ (d) Unless otherwise provided by law, applicable collective bargaining agreement, or these Civil Service Rules, the privileges and obligations of civil service status shall not apply during an employee's probationary status except in that no appointee shall be removed or transferred for any political reason whatever.

~~(d)~~ (e) The Mayor shall put in writing the reason for the dismissal of any probationary employee, and a copy of thereof shall be entered in the Civil Service Minute Book.

~~(e)~~ (f) An employee promoted to the rank of ~~L~~ieutenant shall have ~~two~~ **one (1)** years from the date of promotion to pass Fire Officer 1 Training **Pro Board Certification**, and all

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~~associated prerequisite classes required to achieve the Fire Officer 1 Pro Board Certification.~~

Failure to complete all requirements of this subsection (~~ef~~) shall result in the employee returning to his/her previous position. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.

(~~fg~~) An employee promoted to the rank of Ceaptain shall have ~~onete~~two (~~12~~) years from the date of promotion to ~~pass-obtain~~ Fire Officer 2 Training Pro Board Certification, and all ~~associated prerequisite classes required to achieve the Fire Officer 2 Pro Board Certification.~~

Failure to complete all requirements of this subsection (~~fg~~) shall result in the employee returning to his/her previous position. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.

Section 76: Demotions

In the case of a demotion, time in grade shall commence on the day on which the demoted employee is assigned to the lower rank.

Section 87: Residency Requirement

Beginning January 1, 2017 all new hires of the Fire Department shall have one (1) year from date of hire to establish residency within fifteen (15) miles as the crow flies of City Hall, 10 E. Church Street, Bethlehem, PA 18018.

Section 9: Disqualifying Factors for Initial Employment

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No person shall be eligible for employment in the Fire Department if the individual has engaged in any of the following conduct:

- (a) Failure to meet the general requirements of the position.
- (b) Dishonorable discharge from any branch of military service or termination from a career Fire Department.
- (c) Lying or omission of information to a background investigator or other Fire Department employee, representative, or agent.
- (d) Intentional falsification or omission of information on the employment application, pre-employment questionnaire, background screening packet, or any other document used in the selection process.
- (e) Cheating on any portion of any selection examination, or in any phase of the selection process.
- (f) Criminal conviction in any state of any felony offense or a crime punishable by at least seven years in prison.
- (g) Criminal behavior, regardless of whether detected or prosecuted, as admitted by the applicant or established by competent evidence, of any felony (no time limit) or any first-degree misdemeanor (within five years of the date of application).
- (h) Driving under the influence where the person has:
 - (1) DUI conviction within five years of the date of application.
 - (2) Two or more DUIs (conviction or pending charges). Note:
"Conviction" includes a guilty plea, nolo contendere plea, verdict, acceptance of ARD or similar diversion disposition, negotiated plea to a lesser offense where chemical test result was .08% or greater and/or any chemical test refusal.

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- (i) Manufacture, sale, delivery, or distribution of any controlled substance.
- (j) Controlled substance use:
- (1) Marijuana/synthetic marijuana (K-2, Spice, etc.), or any medication prescribed to the applicant and used for non-therapeutic purposes within three years preceding the date of submission of the application.
- (2) Schedule I, II, or III controlled substance (excluding those listed above), anabolic steroids (regardless of source or knowledge of legality), or huffing or intentional use of any chemical substance (including glue, cleaning products, bath salts, etc.) for any purpose for which it was not intended except where all of the following apply:
- (i) No more than 3 uses under age 25.
- (ii) No use in five years preceding the date of application.
- (iii) No use at age 25 or older.
- (3) Heroin, methamphetamine, LSD, or any injected controlled substance (excluding anabolic steroids).
- (k) Five or more convictions for violation of the Vehicle Code within two years of the date of application.
- (l) Suspension of driver's license on three or more occasions (including a combination of suspension in any state).
- (m) Suspension of driver's license for a second time within three years of the date of application (including a combination of suspension in any state).
- (n) Any criminal conviction for any offense in Chapter 33 of the Pennsylvania Crimes Code (relating to Arson, Criminal Mischief and Other Property Destruction).